IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 27864 of 2007(P)

PETITIONER:

DEEPA, W/O JOBBY,
PALLIYAN HOUSE, KARUKUTTY P.O.

BY ADV. SRI.E.C.POULOSE
SMT.BOBBY RAPHEAL.C

RESPONDENTS:

UNITED INDIA INSURANCE CO. LTD.,
REPRESENTED BY ITS BRANCH MANAGER,
IIND MAIN ROAD, GIRIRAM BUILDING,
GOPI TALUK, ERODE DIST.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 27864 of 2007

Dated this the 19th day of September, 2007

J U D G M E N T

Petitioner was a claimant before the M.A.C.T. Perumbavoor and Exhibit-P1 is the Award passed in her favour. In terms of the Award an amount of Rs. 1,00,173/- was deposited in the Union Bank of India, Perumbavoor branch. For the reason that she wanted to discharge the liability to a Bank to avoid auction of her property she wanted to withdraw the amount and filed Exhibit -P2 application. This was considered by the Tribunal and by Exhibit-P3 order, she was permitted to withdraw Rs. 50,000/- only. In view of this, this writ petition has been filed seeking an order directing the M.A.C.T, Perumbavoor to release the amount available in her deposit.

2. I see no reason to decline her prayer. Even the Tribunal did not find that the reason projected by the petitioner was unsatisfactory. The fact that the entire amount in deposit will not satisfy the debt is also no reason to decline the relief of the petitioner.

3. Accordingly quashing Exhibit-P3, I dispose of this writ petition directing that the petitioner will be entitled to release the amount available in her Fixed Deposit No.C 0057693 in the Union Bank of India, Perumbavoor, on production of a copy of this judgment.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007